

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

BETHANY ANN ALEXANDER,
Plaintiff

v.

FAIR ACRES GERIATRIC CENTER *et al.*,
Defendants

:
:
:
:
:
:
:

CIVIL ACTION

No. 20-2550

ORDER

AND NOW, this 25th day of May, 2021, upon consideration of Richard M. DiMonte, Jr., D.O.'s Motion to Dismiss (Doc. No. 22), the County of Delaware and Fair Acres Geriatric Center's Motion to Dismiss (Doc. No. 23), Plaintiff's Motion for Leave to file a Second Amended Complaint (Doc. No. 26), the County of Delaware's Response in Opposition (Doc. No. 28), Richard M. DiMonte Jr.'s Response in Opposition (Doc. No. 30), Plaintiff's Reply (Doc. No. 31), the Court's April 6, 2021 Order (Doc. No. 33), and Plaintiff's Memorandum in Response to the Court's April 6, 2021 Order (Doc. No. 34), and for the reasons set forth in the accompanying memorandum, it is **ORDERED** that:

1. Richard M. DiMonte, Jr., D.O.'s Motion to Dismiss (Doc. No. 22) is **GRANTED IN PART** as to language in paragraphs 112 and 136 of the Amended Complaint, and is **DENIED** in all other respects.
2. The County of Delaware and Fair Acres Geriatric Center's Motion to Dismiss (Doc. No. 23) is **GRANTED IN PART** as to Counts III and IV of the Amended Complaint, and is **DENIED** in all other respects.
3. Plaintiff's Motion for Leave to file a Second Amended Complaint (Doc. No. 26) is **DEEMED MOOT**.

BY THE COURT:



GENE E.K. PRATTER
UNITED STATES DISTRICT JUDGE